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November 14, 2024

The Honorable George B. Daniels
United States District Judge
Daniel P. Moynihan U.S. Courthouse
500 Pearl Street, Room 1310
New York, NY 10007

BY ECF

Re: *In re Terrorist Attacks on September 11, 2001*, No. 1:03-md-1570 (S.D.N.Y.)

PUBLIC VERSION – EXHIBIT B OMITTED

Dear Judge Daniels:

We jointly write on behalf of defendant Dallah Avco and the FBI concerning the public redacted filing of Dallah Avco's reply submission on its renewed dispositive motions. Dallah Avco and the FBI previously wrote to the Court on August 13, 2024, requesting authorization to publicly file Dallah Avco's reply submission with certain redactions requested by the FBI. Dkt. 10239. Plaintiffs responded on August 15, 2024, urging the Court to defer ruling on the request and objecting to the FBI's proposed redactions on the basis of certain prior public disclosures. Dkt. 10243. On September 5, 2024, Your Honor's law clerk directed Dallah Avco to file a proposed order in support of its request and to indicate the parties' positions.

Upon further consideration in light of plaintiffs' August 15 response, the FBI is withdrawing its redaction request for Dallah Avco Ex. 97 at 146:22-147:6 and modifying its redaction request for Dallah Avco Ex. 97 at 140:9-19 to limit it to the following nine words: line 9, words 6 and 7; line 12, words 1 to 5; line 17, word 6; and line 18, word 1. The proposed redaction pertains to a single individual who is not among the "30 high-priority individuals" addressed by this Court's July 29, 2024, order (Dkt. 10173). As noted in the August 13 letter, the proposed redaction contains particularly sensitive information regarding the individual that does not appear relevant to the litigation.

Dallah Avco continues to take no position on the FBI's redaction request. Apart from the foregoing redactions, Dallah Avco proposes to file Dallah Avco Ex. 97 publicly in its entirety for the reasons explained in the August 13 joint letter. With respect to Dallah Avco's remaining reply papers, Dallah Avco proposes to redact only the information required to be redacted by this Court's July 29, 2024, order (Dkt. 10173).

A proposed order is attached as Exhibit A, and a markup showing the FBI's proposed redactions to Dallah Avco Ex. 97 is attached as Exhibit B. Dallah Avco and the FBI both consent to the entry of the proposed order.

Plaintiffs provided the following position concerning the proposed order:

Plaintiffs do not believe that the redactions proposed by FBI/DOJ in these documents are appropriate under the Court's July 29, 2024 Order, nor is there support for the redactions in the motion practice that preceded it. The redactions relate to a non-U.S. person who was not the subject of any sealing application or briefing, and whose name has already been publicly disclosed in other contexts. Notwithstanding these observations, Plaintiffs do not object to the filing of these documents with the proposed redactions at this time, as it will provide public access to additional information and avoid piecemeal adjudication of disputes relating to the Court's July 29, 2024 Order; but Plaintiffs reserve all rights.

Plaintiffs note that they remain actively engaged in discussions with FBI/DOJ regarding the interpretation and implementation of the Court's July 29, 2024 unsealing Order as to redactions proposed by FBI/DOJ in a broader range of judicial documents. Plaintiffs will update the Court in due course regarding progress made towards filing further judicial documents on the public docket, Dkt. 10173 at 14, as well as any remaining disputes.

Dallah Avco and the FBI accordingly request that the Court enter the attached proposed order.

Respectfully submitted,



Robert Kry

cc: All counsel by ECF